



## PLANNING COMMISSION STAFF REPORT MAY 11, 2006

<b>Project:</b>	BAY STREET GENERAL PLAN CONFORMITY FINDING – (PLN2006-00251)
<b>Proposal:</b>	To consider a Finding of conformity with the General Plan for the acquisition of two parcels for a public parking lot related to the Bay Street Streetscape & Parking Project.
<b>Recommendation:</b>	Find that proposed acquisition conforms to the General Plan, based on findings stated in Exhibit “A”.
<b>Location:</b>	4112 & 4120 Bay Street in the Irvington Planning Area. APNs 525-0680-001-24 & 16 (See aerial photo next page)
<b>Area:</b>	10,000 square feet
<b>People:</b>	George Bishara Matta and Michele Lea Matta, Property Owners Richard A. Matta, Property Owner Carol Anne Painter, Irvington Redevelopment Project Manager Barbara Meerjans, Staff Planner(510)494-4451 bmeerjans@ci.fremont.ca.us
<b>Environmental Review:</b>	A Mitigated Negative Declaration has been prepared for this project.
<b>General Plan:</b>	Community Commercial
<b>Zoning:</b>	Planned District, Irvington District Overlay – P-2004-277(I)

### **EXECUTIVE SUMMARY:**

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The applicant requests a Finding of General Plan Conformity to allow the acquisition of property for a proposed public parking lot for the Bay Street Streetscape & Parking Project in the Irvington Planning Area. The proposed acquisition is part of a larger Redevelopment Project to make streetscape improvements along Bay Street and provide additional parking opportunities for nearby businesses and residents in the Bay Street Planned District. Subsequent entitlements include City Council approval of amendments to the Irvington Concept Plan.

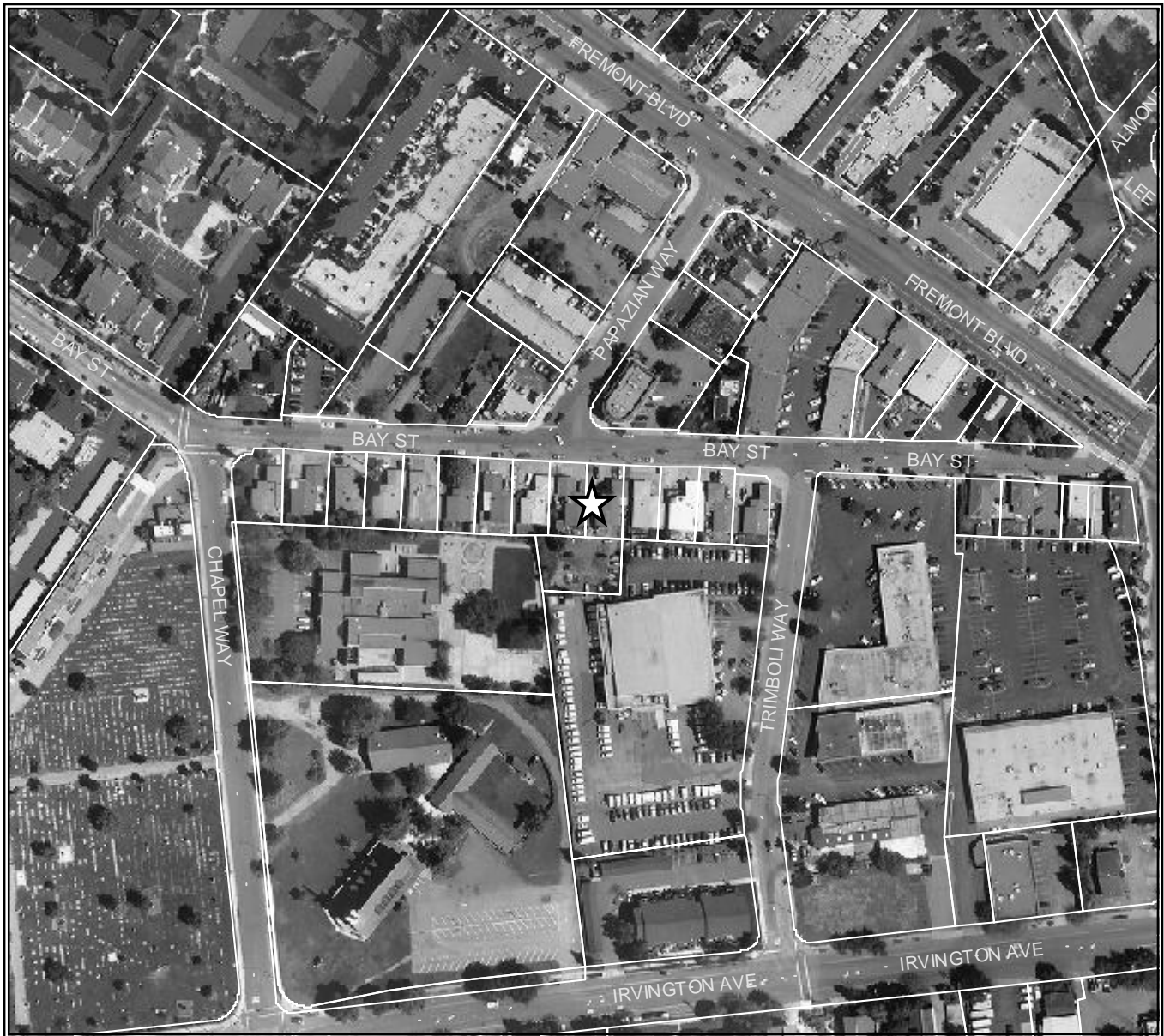


Figure 1: Aerial Photo (2002) of Project Site and Surrounding Area (Scale 1:2,000)



**SURROUNDING LAND USES:**

- North: Community Commercial (Commercial Center)
- South: Public Facility (U.S. Post Office)
- East: Community Commercial (Financial Services)
- West: Community Commercial (Grocery Store)

## **BACKGROUND AND PREVIOUS ACTIONS:**

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In June 2004, the City Council approved the Bay Street Planned District, which identified a parcel, located behind 4112 and 4120 Bay Street, for public parking to serve local businesses and to support the future investment for the Bay Street Streetscape improvements. The parking lot was to be accessed from the Irvington Post Office parking lot and Agency staff was in negotiations to finalize a licensing agreement with the United States Postal Service. In January 2005, the City Council approved the Irvington Concept Plan, which reiterated public parking for this site. On August 11, 2005, the Planning Commission approved Findings of General Plan conformity regarding the property acquisition.

Subsequent to the City/Agency's project and funding approval, however, the Agency was unable to reach an acceptable agreement with the United States Postal Service to provide access for the necessary public parking through the Irvington Post Office site. As a result, the City Council/Agency Board directed staff to develop an alternative. The alternative location at 4112 and 4120 Bay Street, in conjunction with a preliminary design scheme for the proposed parking lot, has been discussed with community leaders, business representatives, nearby residents and representatives from various City departments. Both community and staff response to the proposal have been positive.

A change to the design of the Bay Street streetscape improvements includes the relocation of the access to the public parking lot from the Irvington Post Office to the properties fronting Bay Street. The Planning Commission must make findings of General Plan conformity regarding the proposed property acquisitions before the Redevelopment Agency Board and the City Council take actions to acquire the property.

## **PROJECT DESCRIPTION:**

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The City and Redevelopment Agency are requesting that the Planning Commission find that the acquisition of 4112 and 4120 Bay Street is in conformance with the General Plan. The purpose of the property acquisition is to allow the City to develop a public parking lot to provide parking opportunities that will serve nearby businesses and residents. The proposed new parking will replace any loss resulting from future improvements planned as part of the Bay Street streetscape improvements and will add to the overall parking inventory in the neighborhood. The proposed public parking lot on the subject site will add approximately forty-two (42) new spaces. The proposed parking lot is approximately 18,600 square feet and is predominately surrounded by commercial and mixed-use development in conjunction with institutional and public/quasi-public uses. There is no development plan for the Planning Commission to consider.

## **PROJECT ANALYSIS:**

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### ***Legal Requirement for Public Land Acquisition:***

California Government Code Section 65402 establishes requirements for review of public property transactions by local planning agencies. Pursuant to the State code, the City of Fremont is required to submit all acquisitions of property for public purposes to the Planning Commission. The City may not acquire any property until the location, purpose and extent of the acquisition has been reviewed by the Planning Commission as to conformity with the adopted General Plan. The law requires the Commission to render its report on conformity within 40 days after the matter was submitted.

While there is no legal requirement that the Planning Commission hold a public hearing on a Finding for conformity with the General Plan, this procedure has been observed for other public acquisitions. The public hearing will help assure that adequate public notice is provided as to the intent to purchase the site for a City parking lot, and that the public is allowed to provide comments. Assuming that the Planning Commission finds that the acquisition of the subject site is in conformance with the General Plan, the City Council is tentatively scheduled to consider the proposed acquisition in June 2006.

***General Plan Conformance:***

The General Plan land use designation for the project site is Community Commercial and the zoning is Planned District, Irvington District Overlay – P-2004-277(I).

The proposed property acquisition will enable the development of a public parking lot to serve uses in and around the Five Corners Community Commercial Center, particularly those within the Bay Street Planned District. Adding parking opportunities at this location is consistent with the following applicable General Plan policies for Community Commercial Centers:

POLICY LU 2.16:                    *Development of the CCC area should be guided by a design and development plan. The plan should assess the appropriate area needed for commercial uses and recommend alternative uses (including mixed use), particularly for areas outside the identified commercial center. The plan should also identify parking strategies for the commercial area as a whole so as to foster a pedestrian oriented shopping environment. The plans should address historic preservation and design guidelines for each CCC.*

POLICY LU 2.17:                    *Each of the four historic commercial centers shall be oriented toward pedestrians to the degree feasible. New development should strengthen the “Main Street” character of these areas. Projects should be planned to create active pedestrian frontages oriented towards sidewalks, streets or, when appropriate, towards a public plaza.*

POLICY LU 2.18:                    *Where appropriate, buildings shall be oriented toward the street and sidewalk. Whenever feasible, parking should be at the rear of buildings or in joint parking areas rather than in front of buildings and businesses.*

Analysis: Development of a public parking lot is included in the Bay Street Planned District as a means to encourage sidewalk-oriented buildings as well as promote pedestrian activity along the street. This will support and strengthen the “Main Street” character of Bay Street. Due to its proximity to existing businesses, the proposal will consolidate and reduce the need for on-site parking. As indicated in the Bay Street Planned District, concentrating the new parking for existing businesses will positively contribute to the ultimate streetscape design envisioned for the neighborhood and will help create a distinctive and attractive pedestrian experience. The proposed property acquisition is the first step in the implementation of both the General Plan policies for the Five Corners Community Commercial Center as well as the Bay Street Planned District in Irvington.

***Environmental Review:***

A Draft Mitigated Negative Declaration has been prepared and circulated for this project. The Draft Mitigated Negative Declaration identifies mitigation measures related to construction air quality, cultural resources and noise impacts that will be incorporated into the project if it is subsequently approved by the City Council and Redevelopment Agency Board. A more detailed description of the potential impacts is provided within the Initial Study for the project, which is included as an enclosure. With the incorporation of the specified construction-related mitigation measures, the Draft Mitigated Negative Declaration proposes a finding that the Bay Street Streetscape & Parking Project will not have a significant impact on the environment.

**PUBLIC NOTICE AND COMMENT:**

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Public hearing notification is applicable. A total of 798 notices were mailed to owners and occupants of property within 300 feet of the site. The notices to owners and occupants were mailed on April 28, 2006. A Public Hearing Notice was published by The Argus on April 27, 2006.

**ENCLOSURES:**

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***Enclosures:***

Initial Study, Draft Mitigated Negative Declaration and Mitigation Monitoring Plan  
(enclosed with Irvington Concept Plan Amendment, Item 6. of this agenda.)  
Resolution 2209

***Exhibits:***

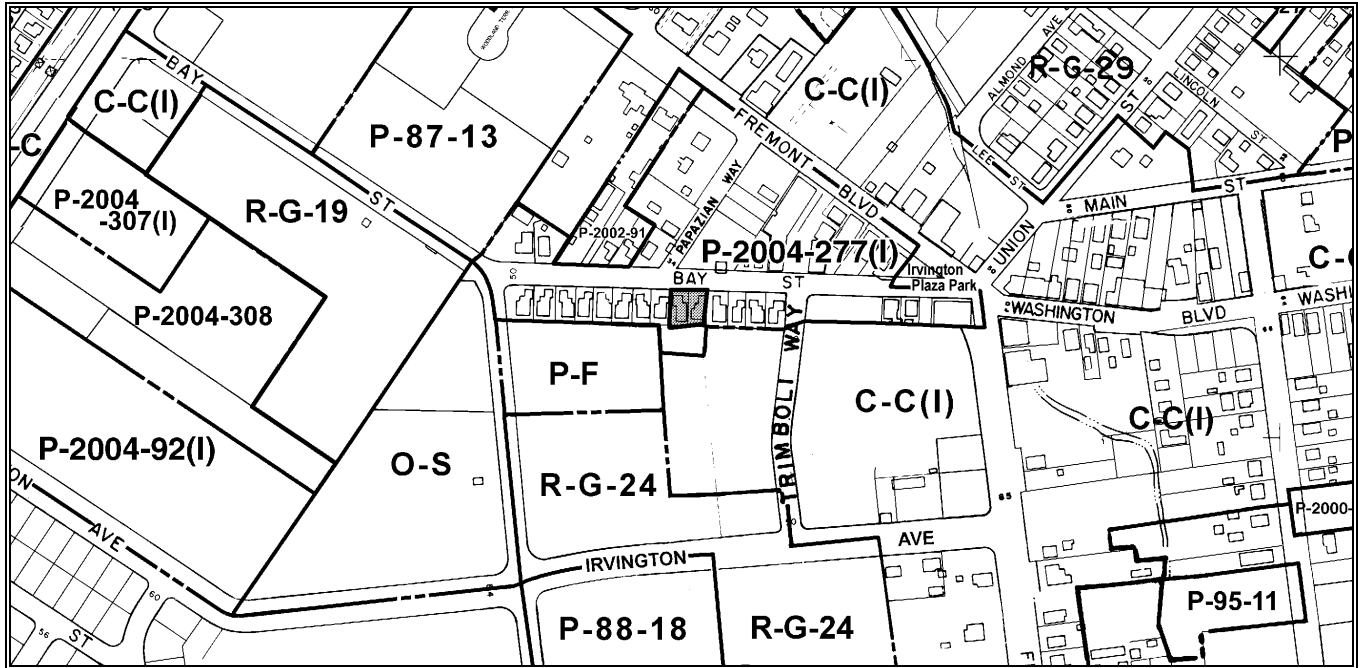
Exhibit "A" "Findings"

**RECOMMENDATION:**

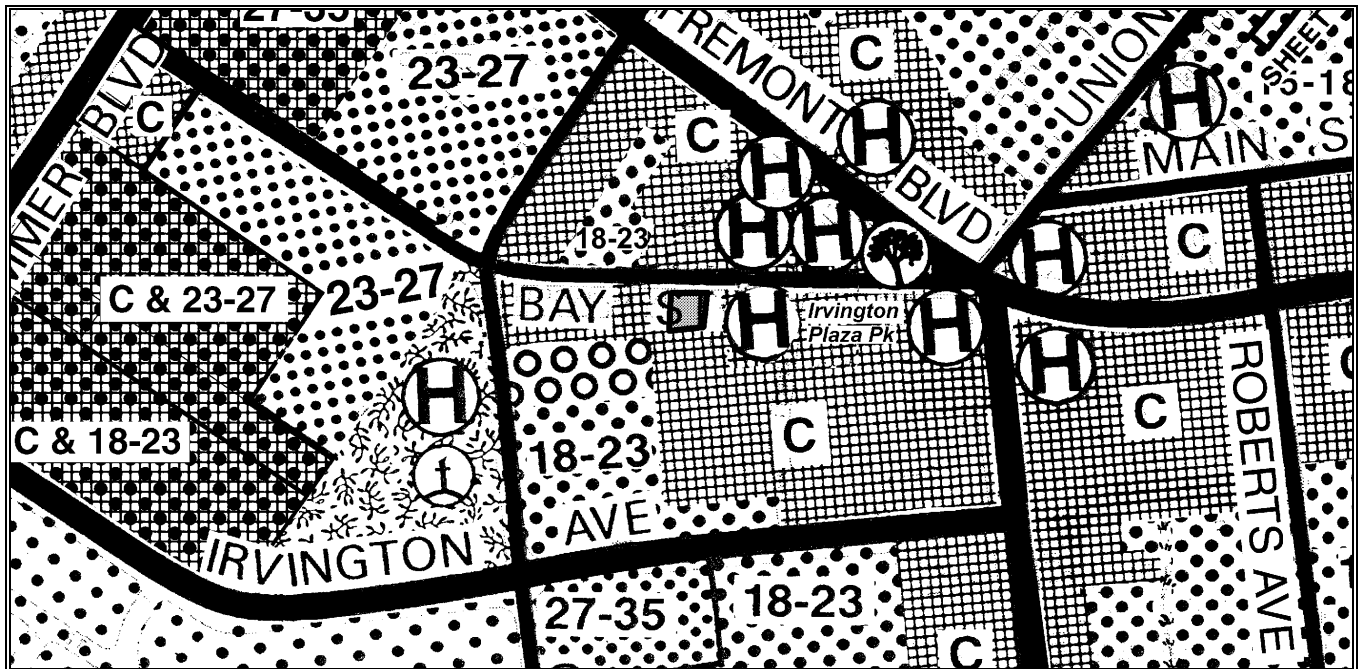
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1. Hold public hearing.
2. Recommend the City Council find the initial study has evaluated the potential for this project to cause an adverse effect -- either individually or cumulatively -- on wildlife resources. There is no evidence the proposed project would have any potential for adverse effect on wildlife resources.
3. Recommend the City Council adopt the Draft Mitigated Negative Declaration and Mitigation Monitoring Plan and recommend the use of a Certificate of Fee Exemption and find these actions reflect the independent judgment of the City of Fremont.
4. Adopt a Resolution that PLN2006-00251 is in conformance with the relevant provisions contained in the City's adopted General Plan. These provisions include the designations, goals and policies as set forth in Exhibit "A", hereby adopted by reference.

**Existing Zoning**  
Shaded Area represents the Project Site



**Existing General Plan**



**Exhibit “A”**  
**Findings**  
**PLN2006-00251 – Bay Street General Plan Conformity Finding**

**Findings:**

1. The findings below are made on the basis of information contained in the staff report to the Planning Commission dated May 11, 2006, incorporated herein.
2. The Planning Commission has considered the location, purpose and extent of the proposed acquisition by the City of Fremont of a 10,000 square-foot site located at 4112 and 4120 Bay Street, for the purpose of developing a new public parking lot. The Planning Commission hereby finds that the proposed acquisition conforms to the Fremont General Plan as adopted in 1991, and would contribute to realization of Fundamental Goals of the General Plan, specifically Goal LU2, which requires “Commercial development focused in well-defined commercial areas”.
3. The Planning Commission further finds that the proposed acquisition would conform with the following General Plan Policies for Community Commercial Centers (CCC):

Policy LU 2.16: Development of the CCC area should be guided by a design and development plan. The plan should assess the appropriate area needed for commercial uses and recommend alternative uses (including mixed use), particularly for areas outside the identified commercial center. The plan should also identify parking strategies for the commercial area as a whole so as to foster a pedestrian oriented shopping environment. The plans should address historic preservation and design guidelines for each CCC.

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